

REMARKS

Applicants thank the Examiner in charge of this case for the interview granted to applicants' representative, Dr. Paul Fenster. This paper *inter alia* summarizes the substance of the interview.

The application now contains claims 29-47 and 59-65. Claims 29 and 41 have been amended and claims 59-65 have been added.

Applicants' representative has carefully considered the objections of the Examiner to the claims and believes that the claims clearly distinguish from the prior art. Since only prior art rejections have been made against the claims, it is not believed that any substantive amendments are necessary. However, claim 29 has been amended to add a final clause which completes the claim, by adding the act of actually generating the three dimensional emission values from the acquired data. Claim 41 has been amended to make explicit the relationship between the emission and transmission data. This relationship is believed to be implicit in the claim as originally filed. Claim 59 has been added to add an additional act after the acts already specified in claim 41. Claims 60-64 have been added to further limit claim 30 with the same limitations that are present in claims 31-34. These limitations were present in the IPER claims in multiple dependent form.

Claim 65 is the same as claim 41 before the present amendment.

In the response to Office Action filed on May 28, 2004, applicants submitted that there was no *prima facie* case of unpatentability of the present claims in view of Morgan, since the Morgan reference defined the order of taking of the images as first CT and then nuclear imaging. Since, in Morgan, the CT image is taken prior to the nuclear image and since in Morgan there is no teaching of any determination of the extent of the radioactive region, other than in the nuclear image, there is no way that Morgan could carry out the invention of claim 29.

Applicants supplement that reason by another reason why claim 29 is not *prima facie* obvious in view of Morgan. In claim 29 the transmission data must be acquired over a second axially extending portion of the body *responsive to the determined extent*. Even were Morgan to teach acquiring the nuclear image first (which it does not) there is no teaching in Morgan of acquiring the transmission (CT, in Morgan) data over an axial extent based on the extent of the radiation. While it would then be possible to do so, the present claim 29 is a method claim and the ability to perform the method does not make the method obvious.

Applicants note that the dependent claim not only further distinguishes over the art, but also defines further possible limitations on claim 29 that were discussed.

interview summary OK  
OG  
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